

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:
MCQUILLEN PLACE COMPANY, LLC,
Debtor.

FIRST SECURITY BANK & TRUST CO.,
Plaintiff,
vs.
CHARLES M. THOMSON,
Defendant.

Chapter 7 Bankruptcy
Case No. 19-00507

Adversary Case No. 20-09037

**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

COMES NOW Plaintiff First Security Bank & Trust Co. (the “*Bank*”), by and through its counsel, and hereby moves for summary judgment in its favor against Defendant Charles M. Thomson (the “*Defendant*”) with respect to the relief requested by the Bank in its Complaint. Simultaneously herewith, the Bank has filed a Statement of Material Facts Not In Dispute, a set of Exhibits, and a Memorandum, and all those items are incorporated herein as if set forth verbatim.

WHEREFORE, the Bank respectfully prays this Court on such notice and hearing as it may direct, enter and enroll summary judgment in favor of the Plaintiff Bank, with respect to the relief requested by the Plaintiff Bank in the Complaint, and declare and decree that Defendant’s claim against the Debtor McQuillen Place Company, LLC (the “*Debtor*”) is subordinate to the Bank’s claim against the Debtor pursuant to 11 U.S.C. § 510(a). In addition, the Plaintiff Bank respectfully requests this Court declare and decree that

Defendant's claim against the Debtor is assigned to the Plaintiff Bank such that the Defendant may not receive any dividend from the Debtor until and unless the Plaintiff Bank's claims (including the Bank's own Proofs of Claim and the claim assigned to the Bank) against the Debtor has been paid in full. In addition, the Plaintiff Bank further requests such other relief as may be just and proper under the premises.

/s/ Eric W. Lam
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Certificate of Service

The undersigned certifies, under penalty of perjury, that on this 25th of November, 2020, the foregoing document was electronically filed with the Clerk of Court using the Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of this case.

/s/ Kelly Carmichael